

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAN 29 1982

Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,
Plaintiff,

vs.

CAROL JEANNE TSUJI and
MANUEL CAMPOS SEVILLA,

Defendants.

No. 81-CR-98-01-BT ✓

No. 81-CR-98-02-BT ✓

O R D E R

This matter comes before the Court on defendants' Motion for Acquittal.

This criminal proceeding arose from the arrest of defendants and two El Salvadoran nationals in northeastern Oklahoma on October 12, 1981. The grand jury returned an indictment against defendants on November 3, 1981 charging them with transportation of an illegal alien, David Antonio Mendez-Lopez, under 8 U.S.C. §1324(a)(2). Complaints were filed against both Salvadorans for failure to possess alien registration documents previously issued, but the charges were subsequently dismissed by the Court on December 18, 1981 because the registration documents had never been issued to them in the first place. See United States v. David Antonio Mendez-Lopez, No. 81-CR-102-BT and United States v. Mauricio Emilio Henriquez, No. 81-CR-103-BT. Following lengthy pre-trial hearings, the trial of this matter commenced on January 4, 1982. That trial ended in a hung jury on January 8, 1982, at which time the defendants renewed their Motion for Acquittal, and the Court at that time set a new trial date of February 16, 1982.

The Court conducted a hearing on defendants' Motion for Acquittal on January 15, 1982. At that time, the Court expressed its concern to counsel for the Government with respect to the sufficiency of the Government's proof of two of the essential elements of the crime charged against defendants. Specifically, the Court pointed to the requirement defendants have knowledge the alien they are charged with transporting is not lawfully entitled to reside in the United States (Element

Number 3 in the Jury Instructions), and the requirement defendants acted willfully in furtherance of the alien's violation of the law (Element 5 in the Jury Instructions).

The Court's concern stems in part from a stipulation entered into by counsel for the parties on December 12, 1981 at the omnibus motion hearing wherein the parties agreed as to the substance of the testimony of a potential defense witness, immigration attorney Raymundo Campos. It is stated in that stipulation Mr. Campos would testify he met with the alien in question, David Antonio Mendez-Lopez, in the presence of defendant Tsuji on October 9, 1981 for the purpose of representing Mr. Mendez-Lopez with respect to the alien's application for political asylum. It is further stated in the stipulation Mr. Campos would testify he obtained all the necessary information to complete such an application and obtained Mr. Mendez-Lopez' signature on a blank political asylum application form. It is further stated therein Mr. Campos would testify it was agreed he would file the application the week following his meeting with the alien and defendant Tsuji. October 9, 1981 was a Friday and Monday, October 12, 1981, the date of defendants' arrest, was Columbus Day, a federal holiday.

At the trial of this matter, defendant Tsuji corroborated by her testimony the above stipulated testimony of attorney Raymundo Campos. The record indicates attorney Campos went to the Los Angeles, California immigration office to file the Mendez-Lopez political asylum application on Tuesday, October 13, 1981, but was not permitted to do so until Thursday, October 15, 1981 because of improper applicant fingerprint cards. As the record stands, no evidence has been offered rebutting or controverting the stipulated testimony of attorney Campos or the testimony of defendant Tsuji relative to the political asylum application. It is because these statements remain uncontroverted the Court suggested the Government rethink the continued prosecution of this case. Specifically, the Court was concerned with whether the Government would be able to establish a prima facie case in light of such statements.

In accordance with the Court's directive, the Government filed its response setting forth its position with respect to the points raised by the Court. Notably, the Government asserts the only witness (Raymundo Campos) who could have shed light on defendants' intent in accompanying the alien to a lawyer's office to fill out a political asylum application "chose not to appear as a defense trial witness." Further, the Government contends the stipulation regarding Mr. Campos' testimony was entered into for purposes of a motion hearing and not for trial purposes. In addition, the Government states the stipulation "was to the effect that Campos'[sic] would testify as to his intentions to file the application, not that this testimony was true."

Although it is true the stipulation regarding Mr. Campos' testimony was entered into for the purpose of the evidentiary hearing of December 11, 1981 and not for trial, the Court did not consider the stipulation at trial, and it was not made a part of the trial proceedings. At the same time, however, the Court notes the stipulation was originally offered in support of defendants' motion to dismiss the indictment. Defendants renewed this motion at the close of the Government's evidence in the form of a motion for acquittal, and urge the same motion now following the declaration of a mistrial after the jury could not arrive at a verdict. Thus, the Court finds it proper to consider the stipulation as part of the record in this matter as it bears on defendants' Motion for Acquittal. The Court further notes the Government has given no indication of its intention or ability to offer any evidence at a retrial to the contrary.

The Government makes an additional argument regarding the intent element of the offense alleged. The Government points out "[n]either Title 8, United States Code, Section 1201(B) or Sections 30 or 31 of the Alien Registration Act of 1940 provide exemptions to alien registration for persons who make asylum requests. The clear implication of this statement is to

the effect the proper filing of an application for political asylum would not affect an alien's status as "illegal", and, hence, defendants may be prosecuted for transporting an illegal alien irrespective of whether the alien has filed for political asylum. This contention by the Government is new in light of the repeated admissions by the Government that defendants would never have been prosecuted had the alien in question properly filed for political asylum prior to defendants' arrest. This is because temporary residence authority would be granted pending formal ruling on the political asylum application. The Government repeated this position most recently in response to a direct question from the Court at the conference in this matter on January 15, 1982:

"THE COURT: ...As I understand it, the Government conceded in this case if before the arrest of those people up there at that turnpike gate about 9:30 a.m. on the morning of October 12, 1981, that formal political application [sic] for Mr. Mendez had been filed, this lawsuit would have never been prosecuted. Am I correct in that, Mr. Baker?

MR. BAKER: Yes, sir."

(Transcript of Proceedings had on January 15, 1982, pp. 11-12.)

It is clear from the language of the statute and the applicable case law proof of an offense under 8 U.S.C. §1324(a)(2) requires the establishment of five essential elements:

- (1) defendant transported an alien within the United States;
- (2) the alien had not been lawfully admitted or was not lawfully entitled to enter or reside within the United States;
- (3) this was known to defendant;
- (4) defendant knew the alien's last entry into the United States had taken place within three years prior to defendant's arrest; and
- (5) defendant acted willfully and knowingly in furtherance of the alien's violation of the law.

See, e.g., United States v. Gonzalez-Hernandez, 534 F.2d 1353, 1354 (9th Cir. 1976). In accordance with the foregoing discussion, the Court concludes the Government will be unable to

establish a prima facie case. This conclusion is based primarily on the failure of the Government to present evidence sufficient for a jury to conclude beyond a reasonable doubt defendants had the requisite wrongful intent in transporting the alien. Specifically, the Government has at no time controverted the stipulated testimony of attorney Campos or the testimony of defendant Tsuji regarding the meeting among herself, the alien Mendez-Lopez, and attorney Campos concerning the good faith filing of the political asylum application. The defendant Manuel Campos-Sevilla was likewise aware of the political asylum application preparation for filing by attorney Campos. Further, the Government has indicated no ability to produce any rebuttal evidence on this point. Thus, the Court cannot conclude the Government will be able, at a retrial of this matter, to prove defendants "knew the alien was not lawfully entitled to reside in the United States."

The Court is also concerned with whether the Government can establish a prima facie case with respect to the fifth essential element, viz: "that defendants acted willfully and knowingly in furtherance of the alien's violation of the law." In this regard, the Court has been aided by the analysis of the Ninth Circuit in United States v. Moreno, 561 F.2d 1321 (9th Cir. 1977). As the Court noted in Moreno when discussing the scope of the phrase "in furtherance of such violation of law",

"This section does not delineate the specific circumstances that must exist before an act of transporting an undocumented alien is 'in furtherance of such violation of law.' The significance of this quoted provision is that the mere transportation of a person known to be such an alien is not sufficient to constitute a violation of the section. The transportation must be 'in furtherance of such violation of law'. Congress, in enacting this provision, thus placed a specific qualification on the type of transportation activity it meant to prohibit."

561 F.2d at 1322. In attempting to define the nature of the qualification Congress placed on the activity proscribed, the Moreno court stated:

"[W]here the transportation of such an alien occurs, there must be a direct or substantial relationship between that transportation and its furtherance of the alien's presence in the United States."

561 F.2d at 1323. On the bases of the foregoing rationales, the Moreno court found the transportation of illegal aliens to a job site by an individual acting in the regular course of his employment was only incidentally connected to the furtherance of the alien's violation of law, and, as such did not come within the intent of §1324(a)(2). Similarly, the transportation of Mendez-Lopez in the case at bar appears to be only incidentally connected to the alien's violation of law.

At a pre-trial hearing in this matter, the Government offered evidence tending to show defendants were transporting the alien to Chicago for the purpose of his finding employment. At trial, however, the evidence established defendants and the alien were in route to speaking engagements in the midwestern and eastern United States relative to the political situation and revolution in El Salvador. The Government now contends "[t]he furtherance of Mendez' violation of law is that they were admittedly transporting around the country an illegal alien who was clearly in violation of Title 18, United States Code, Section 1302(a) by not registering." The Government additionally asserts defendants "furthered the violation by transporting him around the country for their political purposes in using him as a puppet in their revolutionary charades." It is thus clear this case does not involve a smuggling operation, that is, a situation where persons lawfully in this country agree for benefit or in a clandestine fashion to transport illegal aliens to places where the aliens seek to go for employment or otherwise.

As the Court noted in an order entered previously in this matter, the mere fact the ultimate purpose of the transportation of aliens is a lawful one is no defense, in and of itself, to a charge under 8 U.S.C. §1324(a)(2). Nevertheless, since it has been established defendants and the alien were en route to speaking engagements, and the uncontroverted evidence indicates defendant Tsuji aided the alien in taking the necessary steps to apply for political asylum prior to the transportation, the Court concludes defendants' alleged transportation of the alien cannot be shown to bear the necessary direct or substantial relationship to the alien's violation of law. In addition, in light of the foregoing discussion regarding specific intent, it appears the Government will be unable to show beyond a reasonable doubt defendants' alleged furtherance of the alien's violation of law was done willfully and knowingly. Accordingly, it is apparent the Government will not be able to establish a prima facie case as to the fifth element of the offense charged.

The matter is akin to the Polish seaman who leaves his ship at a U.S. port and enters the United States without official documents. He is befriended by a U.S. citizen knowing his status and taken to a lawyer specializing in immigration law to file a political asylum application. While the application is being prepared for prompt filing the friend transports the Polish alien to a university campus to talk to a group on the subject of the current political situation in Poland and the recently imposed martial law. While being transported by the friend in his automobile to the university campus, the friend is arrested and charged under 8 U.S.C. §1324(a)(2). This fact situation too fails for want of necessary proof to support elements 3 and 5. This hypothetical gives one a clearer perspective of the issue, rather than viewing the alien's transportation by admitted communist youth brigade members on a speaking tour about El Salvador sponsored by the revolutionary communist party.

From the commencement of this proceeding, defendants have made numerous and continued serious allegations of misconduct against the office of the United States Attorney and other state and federal government agencies. These charges include assertions of conspiracy, selective law enforcement, invidious discrimination, improper efforts to influence the grand jury, as well as prosecutorial vindictiveness. Each one of these charges has proved groundless. Despite being afforded ample opportunity to present evidence and question officials of various government agencies, defendants have failed to adduce any evidence in support of these claims, or even to raise suspicions in the minds of reasonable persons. Further, the Court reiterates its earlier observation that defendants are responsible for the repeated injection into these proceedings of the matter of defendants' political persuasion.

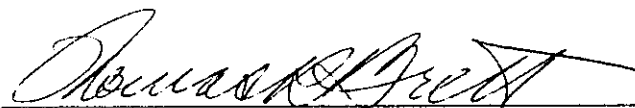
While the defendants and their counsel publicly condemn the system of government of the United States, it is the principles of due process and fair trial so permanently woven into the fabric of our law that assures them their liberty.

Having concluded the Government will be unable to establish a prima facie case with respect to the third and fifth elements of the offense alleged against defendants,

IT IS ORDERED defendants' Motion for Acquittal is hereby granted, and the indictment against defendants is dismissed.

IT IS FURTHER ORDERED defendants' Motion for Transcript at Government Expense is rendered moot by the foregoing Order of the Court.

ENTERED this 29th day of January, 1982.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF OKLAHOMA

DEFENDANT

ROBERT RAYMOND PERRY

THE NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO. 81-CR-108-BT

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (6/74)

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH DAY YEAR 01 29 82

COUNSEL

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL S. Thomas Coleman, Appointed Counsel

(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

FINDING & JUDGMENT

There being a finding/verdict of

NOT GUILTY. Defendant is discharged

GUILTY.

Defendant has been convicted as charged of the offense(s) of

having violated Title 18, U.S.C.,

Sections 922(a)(6) & 924(a), as charged in counts one & two of the indictment.

SENTENCE OR PROBATION ORDER

Count 1 - One (1) Year.

Count 2 - The imposition of sentence is suspended and Defendant is placed on probation for a period of Two (2) years to commence upon release from confinement.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

COMMITMENT RECOMMENDATION

SIGNED BY

U.S. District Judge

U.S. Magistrate

The court orders commitment to the custody of the Attorney General and recommends,

Approved as to form:

James Swartz Asst. U.S. Attorney

Since this defendant has admitted persistent problems with alcohol, he should be considered

for an alcoholic treatment program.

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

FILED

JAN 29 1982

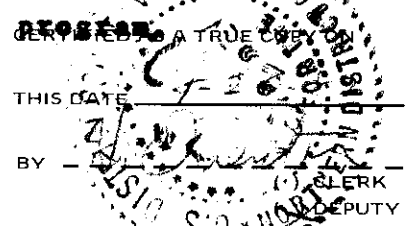
Jack C. Silver, Clerk U. S. DISTRICT COURT

THIS DATE

BY

THOMAS R. BRETT

Date 1-29-82



UNITED STATES DISTRICT COURT

NORTHERN District of OKLAHOMA

United States of America

vs.

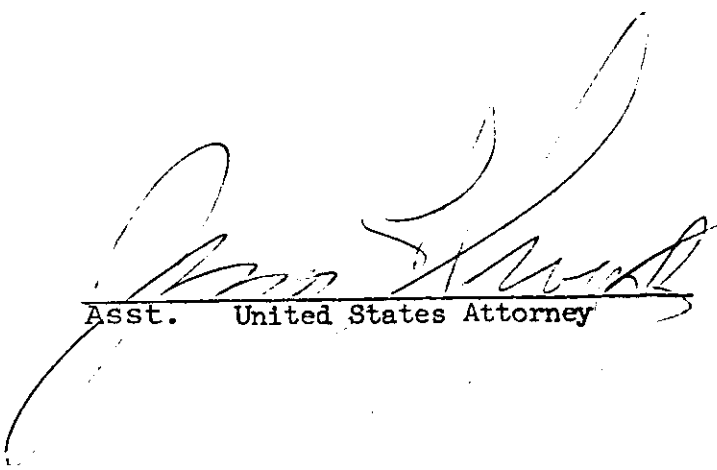
ROBERT RAYMOND PERRY

Criminal No. 81-CR 108-B

Jan 29

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal
Procedure and by leave of court endorsed hereon the United States
Attorney for the Northern District of Oklahoma
hereby dismisses COUNT III of the INDICTMENT against
(indictment, information, complaint)
ROBERT RAYMOND PERRY defendant.


Asst. United States Attorney

Leave of court is granted for the filing of the foregoing dismissal.

THOMAS R. BRETT

United States District Judge

Date: January 29, 1982

DOJ

FORM OBD-113

8-27-74

BOBBY GENE CHIDESTER

THE NORTHERN DISTRICT OF OKLAHOMA

DEFENDANT

DOCKET NO. 81-CR-99-BT

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (6/74)

In the presence of the attorney for the government
the defendant appeared in person on this date

MONTH	DAY	YEAR
01	27	82

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL ☐ O. B. Johnson, II, Retained Counsel

(Name of counsel)

PLEA

☐ GUILTY, and the court being satisfied that there is a factual basis for the plea,☐ NOLO CONTENDERE,☒ NOT GUILTY

There being a finding/verdict of

☒ NOT GUILTY. Defendant is discharged☐ GUILTY.

FINDING & JUDGMENT

Defendant ~~was convicted of the offense of~~ is adjudged not guilty upon a verdict of not guilty, of the offense of having violated Title 18, U.S.C., Section 842(h), as charged in the indictment.

SENTENCE OR PROBATION ORDER

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

COMMITMENT RECOMMENDATION

SIGNED BY

☒ U.S. District Judge☐ U.S. Magistrate

The court orders commitment to the custody of the Attorney General and recommends,

Approved as to form:

Kenneth P. Shoke
Asst. U.S. Attorney

THOMAS R. BRETT

Date 1-27-82

FILED
JAN 27 1982
Jack C. Silver, Clerk
U. S. DISTRICT COURT

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

CERTIFIED AS A TRUE COPY ON

THIS DATE 1-27-82
BY H. Overton
CLERK
DEPUTY

United States of America vs.

United States District Court for

BOBBY GENE CHIDESTER

THE NORTHERN DISTRICT OF OKLAHOMA

DEFENDANT

DOCKET NO.

81-CR-99-BT

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (6/74)

COUNSEL

In the presence of the attorney for the government at
the defendant appeared in person on this date

MONTH DAY YEAR
01 27 82

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL

O. B. Johnson, II, Retained Counsel

(Name of counsel)

PLEA

☐ GUILTY, and the court being satisfied that
there is a factual basis for the plea,

☐ NOLO CONTENDERE,

☒ NOT GUILTY

There being a finding/verdict of

☒ NOT GUILTY. Defendant is discharged
☐ GUILTY.

FINDING &
JUDGMENT

Defendant ~~has been convicted of the offense of~~ is adjudged not guilty upon a
verdict of not guilty, of the offense of having violated Title 18,
U.S.C., Section 842(h), as charged in the indictment.

SENTENCE
OR
PROBATION
ORDER

SPECIAL
CONDITIONS
OF
PROBATION

ADDITIONAL
CONDITIONS
OF
PROBATION

COMMITMENT
RECOMMEN-
DATION

SIGNED BY

☒ U.S. District Judge

☐ U.S. Magistrate

THOMAS R. BRETT

Date 1-27-82

FILED
JAN 27 1982
Jack C. Silver, Clerk
U. S. DISTRICT COURT

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

The court orders commitment to the custody of the Attorney General and recommends,

Approved as to form:

Kenneth P. Snoke
Asst. U.S. Attorney

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

CERTIFIED AS A TRUE COPY ON

THIS DATE

BY

CLERK
DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs)
JOHNNY OTIS HAMPTON,)
Defendant.)

80-CR-55-E

FILED
JAN 27 1982
Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

On June 13, 1980, came the attorney for the government and the defendant appeared in person and by counsel Charles Hack.

IT WAS ADJUDGED that the defendant, upon his plea of guilty, had been convicted of having violated Title 18, U.S.C., Section 495.

IT WAS ADJUDGED that the defendant was sentenced to the custody of the Attorney General for a period of FIVE (5) years as to each of Counts 1 and 2, and a Fine of \$500.00 as to each count. IT WAS FURTHER ORDERED that the imposition of sentence be suspended and the defendant was placed on probation for FIVE (5) years. A special condition of probation was that the defendant make restitution to the F&M Bank and the Bank of Oklahoma.

Thereafter, on December 15, 1981, there having been filed an application by the Probation Officer that the defendant's probation be revoked and the grounds therefor being set thereon, and upon approval by the Court, Warrant for Arrest of Probationer was issued.

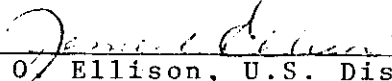
Now, on this 27th day of January, 1982, came the attorney for the government and the defendant appeared with counsel Charles Hack. Upon completion of an evidentiary hearing the Court finds the defendant has violated the terms and conditions of said probation and it is adjudged that the order of probation entered June 13, 1980, be revoked and set aside.

IT IS ORDERED that the defendant, Johnny Otis Hampton, is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of:

COUNTS 1 and 2 - FIVE (5) YEARS as to each count, count two to run concurrently with sentence imposed in count one.

IT IS FURTHER ORDERED that the Clerk of this Court deliver a certified copy of this Judgment and Commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

Dated at Tulsa, Oklahoma, this 27th day of January, 1982.


James O. Ellison, U.S. District Judge

FILED

JAN 26 1982

Jack C. Silver, Clerk
U. S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs) 80-CR-53-E
)
ANTHONY B. SHATOS,)
Defendant.)

O R D E R

On September 8, 1980, came the attorney for the government and the defendant appeared in person and by counsel Robert Perugino.

IT WAS ADJUDGED that the defendant, upon his plea of guilty, had been convicted of having violated Title 18, U.S.C., Section 472.

IT WAS ADJUDGED that the defendant was guilty as charged and convicted.

IT WAS ADJUDGED that the defendant was placed on probation for a period of FIVE (5) YEARS, under the provisions of the Federal Youth Correction Act, with special conditions that the defendant stay employed and avoid the use of drugs.

Thereafter, on December 23, 1981, there having been filed an application by the Probation Officer that the defendant's probation be revoked and the grounds therefor being set thereon, and upon approval by the Court, Warrant for Arrest of Probationer was issued.

Now, on this 26th day of January, 1982, came the attorney for the government and the defendant appeared with counsel Robert Perugino. Upon completion of an evidentiary hearing the Court finds the defendant has violated the terms and conditions of said probation and it is adjudged that the order of probation entered September 8, 1980, be revoked and set aside and further finds the defendant would not benefit from the Federal Youth Correction Act.

IT IS ORDERED that the defendant, ANTHONY B. SHATOS, is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of:

COUNTS 2 and 4 - THREE (3) YEARS as to each count, count four to run concurrently with sentence imposed in count two.

IT IS FURTHER ORDERED that the defendant may become eligible for parole at such time as the Parole Commission may determine as provided in Title 18, U.S.C., Section 4205(b)(2). The Court further recommends defendant be placed in a drug treatment facility.

IT IS FURTHER ORDERED that the Clerk of this Court deliver a certified copy of this Judgment and Commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

Dated at Tulsa, Oklahoma, this 26th day of January, 1982.


James O. Ellison, U. S. District Judge

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

FILED
IN OPEN COURT

JAN 26 1982

Jack C. Silver, Clerk
U. S. DISTRICT COURT

United States of America

vs.

HOYLE CLEO BLAKELY

Criminal No. 81-CR-101-B ✓

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal
Procedure and by leave of court endorsed hereon the United States
Attorney for the Northern District of Oklahoma
hereby dismisses ~~the~~ Count I of the Indictment against
(indictment, information, complaint)
Hoyle Cleo Blakely defendant.

FRANK KEATING
United States Attorney

Bert T. Baker
Asst. United States Attorney

Leave of court is granted for the filing of the foregoing dismissal.

Thomas R. Burt
United States District Judge

Date: 1-26-82

DOJ

FORM OBD-113

8-27-74

HOYLE CLEO BLAKELY

THE NORTHERN DISTRICT OF OKLAHOMA

DEFENDANT

DOCKET NO. 81-CR-101-01-BT

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (6/74)

In the presence of the attorney for the government
the defendant appeared in person on this date

MONTH	DAY	YEAR
01	26	82

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL Michael Fairchild, Retained Counsel
(Name of counsel)

FILED

PLEA

☒ GUILTY, and the court being satisfied that
there is a factual basis for the plea,☐ NOLO CONTENDERE,☐ NOT GUILTYJAN 25 1982
Jack C. Silver, Clerk
U. S. DISTRICT COURT

There being a finding/verdict of

☐ NOT GUILTY. Defendant is discharged☒ GUILTY.FINDING &
JUDGMENTDefendant has been convicted as charged of the offense(s) of having violated Title 26, U.S.C.,
Section 5861(d), as charged in count two of the indictment.SENTENCE
OR
PROBATION
ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

Count 2 - Eighteen (18) months. Defendant may become eligible for parole at such time as the U.S. Parole Commission may determine as provided in Title 18, USCA, Section 4205(B)(2).

SPECIAL
CONDITIONS
OF
PROBATION

IT IS FURTHER ORDERED that execution of this sentence is deferred until Tuesday, February 2, 1982, at 10:00 a.m., at which time defendant is to report to the U.S. Marshal for the Northern District of Oklahoma, Tulsa, OK.

ADDITIONAL
CONDITIONS
OF
PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT
RECOMMEN-
DATIONThe court orders commitment to the custody of the Attorney General and recommends,
Approved as to form: the defendant be consideredBen F. Baker
Ben F. Baker
Asst. U.S. Attorney

for drug treatment & supervision because he has admitted being a daily user of marijuana.

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

☒ U.S. District Judge☐ U.S. Magistrate

THOMAS R. BRETT

Date 1-25-82

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHIRLEY OLEAN MAXWELL,

Defendant.

No. 79-CR-45-C

FILED

JAN 25 1982 *rm*

Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

On May 30, 1979, came the attorney for the Government, and the defendant appeared in person and by counsel, Van N. Eden.

IT WAS ADJUDGED that the defendant, upon her plea of guilty, was convicted of having violated Title 18, U.S.C., §1708, as charged in the Indictment.

IT WAS FURTHER ADJUDGED that the imposition of sentence was suspended and the defendant was placed on probation for a period of Three (3) Years. It was further ordered that the defendant make restitution in amounts and at such times as designated by the Probation Office.

Thereafter, and on December 7, 1981, there having been filed an application by the supervising probation officer, Dayton Wagner, that the defendant's probation be revoked and the grounds therefor being set thereon, and upon approval of the Court, Warrant for Arrest of Probationer was issued.

Thereafter, on the 13th day of January, 1982, pursuant to said warrant, the probationer, Shirley Olean Maxwell, appeared before the Court with her attorney and counsel, Merl A. Whitebook. The Government was represented by Ben F. Baker. Thereafter, the Court directed that the Probation Officer, E. Dayton Wagner, recite and advise the Court and the defendant the grounds of revocation. The probationer, having been given a written notice of the alleged violation of probation,

and there having been made a disclosure of the evidence against her, and being provided an opportunity to appear and present evidence in her own behalf, together with the opportunity to question witnesses against her, and after statements confirming probation violation by probationer and her counsel, and said probationer having waived her right to an evidentiary hearing, the Court finds that an evidentiary hearing is not necessary and that the defendant had violated the terms of her probation and that probation should be revoked. The Court directed the hearing on revocation be continued and the Probation Office was directed to furnish the Court with additional information.

Now, on this 25th day of January, 1982,

IT IS ORDERED that the Order of Probation, entered on May 30, 1979, be revoked and set aside.

IT IS FURTHER ORDERED that the defendant, SHIRLEY OLEAN MAXWELL, is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of Five (5) Months.

IT IS FURTHER ORDERED that the execution of sentence is suspended until Monday, February 1, 1982, at 9:00 a.m., at which time defendant is to surrender herself to the U. S. Marshal in execution of said sentence.

IT IS FURTHER ORDERED that the Clerk of this Court deliver a certified copy of this Judgment and Commitment to the U. S. Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

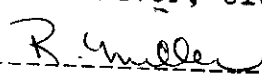
DATED at Tulsa, Oklahoma, this 25th day of January, 1982.


H. DALE COOK, Chief Judge

United States District Court)
Northern District of Oklahoma) ss \

I hereby certify that the foregoing
is a true copy of the original on file
in this Court.

Jack C. Silver, Clerk

By 
Deputy

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OKLAHOMA

CLERK'S OFFICE

UNITED STATES COURT HOUSE

TULSA, OKLAHOMA 74103

JACK C. SILVER
CLERK

(918) 581-7796
(FTS) 738-7796

January 28, 1982

Mr. Kenneth P. Snoke
Assistant U. S. Attorney
460 U. S. Courthouse
Tulsa, Oklahoma 74103

Mr. Kenneth L. Stainer
Attorney at Law
320 South Boston, Suite 108
Tulsa, Oklahoma 74103

Re: 81-CR-57-01-C
U. S. A. v. William Michael Johnson

Gentlemen:

This is to advise you that Chief Judge H. Dale Cook entered the following Minute Order this date in the above case:

"IT IS ORDERED that the Judgment and Probation Order of January 25, 1982 is modified as follows:

'IT IS ORDERED that the Imposition of Sentence is suspended and the Defendant is placed on probation for a period of Four (4) Years, to commence at the expiration of the confinement imposed in Case No. CR-81-46-E, U. S. District Court, Western District of Oklahoma.'"

Very truly yours,

JACK C. SILVER, CLERK

Rosanne J. Miller
Deputy

rfm

cc: U. S. Marshal
U. S. Probation

WILLIAM MICHAEL JOHNSON

NORTHERN DISTRICT OF OKLAHOMA

DEFENDANT

DOCKET NO. 81-CR-57-01-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (6/74)

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH 1 DAY 25 YEAR 1982

COUNSEL

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

Kenneth Stainer, court appointed

(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

FINDING & JUDGMENT

There being a finding/verdict of

NOT GUILTY. Defendant is discharged

GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U. S. C., §371, as charged in the Indictment.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

IT IS ORDERED that the Imposition of Sentence is suspended and the Defendant is placed on Probation for a period of Four (4) Years, to commence at the expiration of the confinement imposed in case 81-CR-46.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

COMMITMENT RECOMMENDATION

FILED

JAN 25 1982

Jack C. Silver, Clerk
U. S. DISTRICT COURT

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

H. DALE COOK

Date 1-25-82

THE NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO. 81-CR-100-BT

AO-245 (6/74)

MONTH	DAY	YEAR
01	18	82

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

(Name of counsel)

1 NOT GUILTY

Jack C. Silver, Clerk

XX GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, District Court
Section 1709 as charged in count one of the indictment.

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: ~~REDACTED~~
~~REDACTED~~ ;

THE IMPOSITION OF SENTENCE in Count One of the indictment is hereby suspended and the Defendant is placed on probation for a period of Two (2) Years from this date. IT IS FURTHER ORDERED that the Defendant is fined \$2,000.00, and said fine is to be paid within one (1) year from this date.

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

Kenneth P. Snoke
Asst. U.S. Attorney

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

1 U.S. Magistrate

Date 1-18-82

FILED

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

JAN 14 1982

Jack C. Silver, Clerk
U. S. DISTRICT COURT

United States of America

Criminal No. 80-CR-128

vs.

RED M. CAIN

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal
Procedure and by leave of court endorsed hereon the United States
Attorney for the Northern District of Oklahoma
hereby dismisses the Indictment against
(indictment, information, complaint)
Red M. Cain, defendant.

Frank Keating
United States Attorney

James P. Smoke
Asst. United States Attorney

Leave of court is granted for the filing of the foregoing dismissal.

James O. Sullivan
United States District Judge

Date:

DOJ

FORM OBD-113

8-27-74

DEFENDANT

DOCKET NO.

81-CR-93-F

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (6/74)

In the presence of the attorney for the government
the defendant appeared in person on this date

MONTH	DAY	YEAR
1	5	82

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL

Ken Underwood, Retained

(Name of counsel)

PLEA

☐ GUILTY, and the court being satisfied that
there is a factual basis for the plea,

☐ NOLO CONTENDERE,

☒ NOT GUILTY

FINDING &
JUDGMENT

There being a finding/verdict of

☐ NOT GUILTY. Defendant is discharged

☒ GUILTY.

Defendant has been convicted as charged of the offense(s) of **having violated Title 21, U.S.C.,
Section 841(a)(1); as charged in the Indictment.**

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

THREE (3) YEARS.

**IT IS FURTHER ORDERED that the defendant may become eligible for
parole at such time as the Parole Commission may determine as
provided in T. 18, USC, Sec. 4205(b)(2).**

**IT IS FURTHER ORDERED that the defendant be placed on TWO (2)
YEARS Special Parole term to begin upon release from institution.**

FILED

JAN 7 1982

JOHN C. HARRIS, JR.
U.S. DISTRICT COURT

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

☒ U.S. District Judge

☐ U.S. Magistrate

James O. Ellison
James O. Ellison

Date 1-5-82

CERTIFIED AS A TRUE COPY ON

THIS DATE

BY

() CLERK
() DEPUTY